

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

| | | |
|---|---|-------------------------|
| FEDERAL TRADE COMMISSION, |) | { |
| Plaintiff |) | |
| v. |) | |
| DIRECT MARKETING CONCEPTS, INC., d/b/a |) | Civ. No. 04-11136 - GAO |
| TODAY'S HEALTH and DIRECT FULFILLMENT, |) | |
| ITV DIRECT, INC., d/b/a DIRECT FULFILLMENT, |) | |
| DONALD W. BARRETT, |) | |
| HEALTHY SOLUTIONS, LLC d/b/a DIRECT |) | |
| BUSINESS CONCEPTS, |) | |
| HEALTH SOLUTIONS, INC., |) | |
| ALEJANDRO GUERRERO, a/k/a ALEX GUERRERO, |) | |
| MICHAEL HOWELL, GREG GEREMESZ, |) | |
| TRIAD ML MARKETING, INC., KING MEDIA, INC., |) | |
| and ALLEN STERN, |) | |
| Defendants. |) | |
| |) | |

**FEDERAL TRADE COMMISSION'S MOTION FOR LEAVE
TO NAME ADDITIONAL DEFENDANTS AND RELIEF DEFENDANTS AND
TO FILE FIRST AMENDED COMPLAINT**

Plaintiff Federal Trade Commission ("Commission"), by its undersigned attorneys and pursuant to Federal Rules of Civil Procedure 15 and 21, respectfully submits this motion for leave to name additional defendants and relief defendants and to file its First Amended Complaint.

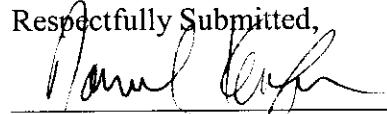
The Commission has served this motion on defendants and proposed defendants at least ten days prior to filing the motion with the Court.

Since filing the Complaint, the Commission has acquired information indicating that additional individuals or business entities closely related to the current defendants either

participated in the same conduct, transactions, and occurrences alleged in the Complaint or received assets directly or indirectly related to the conduct, transactions, and occurrences alleged in the Complaint. Accordingly, the Commission seeks leave of Court to file a First Amended Complaint that names those additional entities as liability defendants or relief defendants, that makes conforming and correcting changes, and that adds an assertion to reflect the allegation that certain Defendants engaged in deceptive billing practices in connection with the sale of the Coral Calcium Daily product as well as Supreme Greens. A signed, undated copy of the First Amended Complaint is Exhibit A to this motion.¹ Because the exhibits to the Amended Complaint are identical to those in the Complaint, they are not resubmitted with this Motion.

The Commission requests leave of Court to file and serve the proposed First Amended Complaint. A memorandum of law with declaration and supporting attachments, as well as a proposed Order, accompany this motion.

Respectfully Submitted,



DANIEL KAUFMAN
KIAL S. YOUNG (BBO # 633515)
EDWARD GLENNON
Federal Trade Commission
600 Pennsylvania Avenue, NW, NJ-3212
Washington, DC 20580
(202) 326-2675, -3126 (voice)
(202) 326-3259 (fax)
dkaufman@ftc.gov, kyoung@ftc.gov or eglennon@ftc.gov
ATTORNEYS FOR PLAINTIFF

Dated November 18, 2004

¹ For the convenience of the Court and the parties, Exhibit B to this motion is a version of the First Amended Complaint, without exhibits, showing redlined changes from the Complaint.